

## **COON RAPIDS BOARD OF ADJUSTMENT AND APPEALS MEETING MINUTES OF DECEMBER 6, 2012**

The regular meeting of the Coon Rapids Board of Adjustment and Appeals was called to order by Chairman Wessling at 6:30 p.m. on Thursday, December 6, 2012, in the Council Chambers.

Members Present: Chairman Gary Wessling, Commissioners Jeanette Rosand, Teri Spano-Madden, and Trish Thorup

Members Absent: Commissioner Aaron Vande Linde

City Staff Present: Assistant City Attorney Douglas L. Johnson, Director of Community Development Marc Nevinski, Housing Inspector Leya Drabczak, Acting Captain/Fire Inspector Nick House, Police Officer Desiree Toninato, and North Metro Chemical Assessment Team Member/Fire Inspector Shannon Moen

Others Present: Keith Streff, Agent, Minnesota Humane Society

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### **CALL TO ORDER**

Chairman Wessling called the meeting to order at 6:30 p.m.

### **APPROVAL OF THE DECEMBER 6, 2012, AGENDA**

MOTION BY COMMISSIONER ROSAND, SECOND BY COMMISSIONER THORUP, TO APPROVE THE DECEMBER 6, 2012, AGENDA AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

### **APPROVAL OF THE NOVEMBER 1, 2012, MEETING MINUTES**

Commissioner Rosand requested a change on page six, paragraph four, fifth sentence: "...DeGrande stated that on July 13 staff wanted to be sure the ~~client~~ property owner..."

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER SPANO-MADDEN, TO APPROVE THE NOVEMBER 1, 2012, MEETING MINUTES AS AMENDED. THE MOTION PASSED UNANIMOUSLY.

### **1. CASE 12-44V – SCOTT NELLIS – 10320 GROUSE STREET – APPEAL OF HEARING EXAMINER DECISION**

At 6:32 p.m. the Chair called the case of Scott Nellis, 10320 Grouse Street, appellant, vs. the City of Coon Rapids. The City appeared by Douglas L. Johnson, Assistant City Attorney. Mr. Nellis appeared without counsel.

Mr. Nellis had filed an appeal on two citations, 45839-20632 and 45839-20633, issued for violations of the City Code animal regulations and zoning code. Mr. Nellis reaffirmed his denial of the charges and demanded a hearing before the Board under Chapter 2-1100.

The Chair recited the City's proposed procedure to be followed for the hearing. Both Mr. Johnson and Mr. Nellis agreed to the procedure. Mr. Johnson noted three changes from the printed version: (1) the alleged violation date was October 26, 2011, not October 26, 2012, (2) the proceedings would be both audio- and video-taped and (3) the word "unique" was misspelled.

The Chair had previously received exhibits from the City, none of which were objected to by Mr. Nellis. Mr. Nellis offered an exhibit at the hearing, which was marked "A-1" and received by the Board.

The Chair entertained opening statements from both parties and swore in all witnesses. The City provided one additional document to the Board and Mr. Nellis during its opening statement, that being Witness Qualifications for Keith Streff.

The City called five witnesses in its case in chief: Marc Nevinski, Coon Rapids Community Development Director; Leya Drabczak, Coon Rapids Housing Inspector; Desiree Toninato, Coon Rapids Police Officer; Keith Streff, Agent, Minnesota Humane Society; Nick House, Acting Captain, Coon Rapids Fire Department; and Shannon Moen, North Metro Chemical Assessment Team Member. Mr. Nellis cross-examined all the City's witnesses.

The City rested its case in chief at 8:52 p.m.

Mr. Nellis testified, and rested his case at 9:03 p.m.

The City rested rebuttal without calling witnesses.

The City made its closing argument, followed by Mr. Nellis.

The Board closed further testimony and argument at 9:42 p.m. and deliberated on the evidence.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER ROSAND, TO ADOPT THE CITY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, WITH DIRECTION TO GIVE MR. NELLIS UNTIL APRIL 6, 2013, TO PAY HIS FINE AND COME INTO COMPLIANCE. THE MOTION PASSED 4-0.

## 2. ADJOURNMENT

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER SPANO-MADDEN, TO ADJOURN THE MEETING.

Chairman Wessling declared the meeting adjourned at 10:06 p.m.

*Respectfully submitted,*

*Beth Bostrom*

*Board of Adjustment and Appeals Secretary*